IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL NO : 618 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/01/2004 in WP No. 232 OF 2004 on the file of the High Court.)

Between:

S.Kullayappa, S/o.Kullayappa,
Anantapur District.

..... APPELLANT

AND

1 The Collector and District Magistrate, Anantapur, Anantapur District.
2 The Revenue Diviosional Officer, Anantapur.
3 The Mandal Revenue Officer, Bukkarayasamudram, Anantapur District.

.....RESPONDENTS

Counsel for the Appellant: SMT.S.V.INDIRA

Counsel for the Respondents: Govt. Pleader for Civil Supplies.

The Court Made the Following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Yesterday, when the case was taken up, counsel for the appellant was not present, and, the appeal was dismissed on the ground that no interference is called for in the impugned orders, and, moreover, appellant had not, despite opportunity, produced a copy of the explanation alleged to have been submitted by the appellant at the very inception pursuant to the show cause notice. After the appeal was dismissed, proxy counsel appeared on behalf of the learned counsel for the appellant, and, made a mention, and, therefore, we did not sign the judgment.

We have heard the learned counsel for the appellant, and, we have been taken through the record.

The only submission made by the learned counsel for the appellant is that inspection was carried out on 20.3.2002 when the appellant was not found present in the fair-price shop. His elder son was present. His family members allowed the inspection of the godowns and the Mandal Revenue Officer found shortage in the stocks in the godowns. The learned counsel for the appellants further submitted that the family members did not bring to the notice of the Mandal Revenue Officer that there was third godown also, and, when, he came back, he learnt that inspection had been carried out and he had, on 27.3.2002, shown the stock of rice to the authorities concerned by making available the shortage of rice, namely, 83 quintals in 166 bags. Therefore, according to the learned counsel for the appellant, the impugned order is liable to be set aside since inspection was carried out in the absence of the appellant and third godown was not shown for inspection.

We are hearing an appeal against the order of learned Single Judge dismissing the writ petition on the ground that no interference is called for in the orders passed by the authorities concerned. Authorities have taken one view in the matter after noticing the case set up by the appellant about non-inspection of 3rd godown, and, were not satisfied with the stand taken by the appellant. There are cogent reasons assigned for not accepting the said stand, namely, it was necessary for the family members, in case, stock was kept somewhere else other than in two godowns, to have brought to the notice of the concerned authority the existence of 3rd godown, and, moreover, it was for the appellant to have remained present at the time of inspection. In any case, neither on 20.3.2002 nor on 27.3..2002 accounts regarding Food For Work Programme were shown to the authorities, and, one of the grounds was that appellant had not at all maintained the accounts and not produced account

receipts of stock register from the labourers before the officials. The concerned authority having come to conclusion, which is a plausible conclusion to be taken on the material on record, and the appellate authority having concurred with the same, hardly, there was any ground for interference in the Writ Appeal. The Writ Appeal, therefore, is dismissed. No costs.

_____

DEVINDER GUPTA, C.J.

8.7.2004.

_____

G.ROHINI, J.

VR.

To

1 The Collector and District Magistrate, Anantapur, Anantapur District.
2 The Revenue Diviosional Officer, Anantapur.
3 The Mandal Revenue Officer, Bukkarayasamudram, Anantapur District.

4. Two CCs to Govt. Pleader for Civil Supplies, High Court Bldgs., Hyd.(OUT)

5. Two CD copies.